

REMARKS

Attached hereto are an executed Power of Attorney and a Statement Under 37 CFR 3.73(b). These documents serve to appoint the undersigned practitioner and all other practitioners associated with Customer Number 23294 to prosecute the subject application.

Applicants acknowledge and thank the Examiner for indicating that claims 12, 14 and 17-39 are either allowed or contain allowable subject matter. As discussed below, Applicants respectfully submit that claim 11 as amended and claims 13, 15 and 16 are also allowable over the prior art of record and that the application is therefore now in condition for allowance.

With reference to the prior art rejections set forth in the Office Action, claims 11 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Anderson '842. Applicants respectfully traverse this rejection for the following reasons.

Anderson '842 discloses a portable pulmonary respirator that includes an oxygen tank and a meter 30 for measuring how much oxygen is in the tank as is conventional. However, this has nothing to do with the measurement system of the subject invention which is designed to monitor various blood and respiratory gas parameters of a patient undergoing treatment. To clarify this distinction, claim 11 has now been amended to specify that the referenced blood and gas is that of the patient and that the gas is respiratory gas. Anderson '842 clearly does not disclose such a measurement system. For this reason, the rejections of claims 11 and 13 are traversed.

Claims 15 and 16 stand rejected under 35 U.S.C. 103 as being unpatentable over Anderson '842 as applied to claim 11 and further in view of Remes et al. '801. This rejection is traversed first for the same reason that independent claim 11 is patentable. In addition, Remes et al. '801 describes oxygen sensing within and part of an oxygen delivery system, sensing

deliverable gas from a source of oxygen, not from the blood gas of the victim/patient. The only mention of measurement of blood gas by an oximeter in the cited Remes '801 is at col. 2 lines 4-5 which specifically reads, "Additionally, a blood oximeter may be connected to the system so that a patient's blood gas information can be monitored." There is no disclosure or suggestion, however, of an oximeter within "a unitary casing for housing said oxygen delivery system and said measurement system" as set forth in claim 11 of the subject application. For this reason also the rejection of claims 15 and 16 is traversed.

In view of the foregoing, Applicant respectfully submits that all of the claims are patentable and allowable over the references of record and that the application is now in condition for allowance. Accordingly, favorable reconsideration is respectfully requested.

Respectfully submitted,

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